

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No.
1:23-cv-11195 (SHS) (OTW)

DAILY NEWS, LP; THE CHICAGO TRIBUNE
COMPANY, LLC; ORLANDO SENTINEL
COMMUNICATIONS COMPANY, LLC; SUN-
SENTINEL COMPANY, LLC; SAN JOSE
MERCURY-NEWS, LLC; DP MEDIA NETWORK,
LLC; ORB PUBLISHING, LLC; AND
NORTHWEST PUBLICATIONS, LLC,

Plaintiffs,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No.
1:24-cv-03285 (SHS) (OTW)

PLAINTIFFS' MOTION TO SEAL

Under paragraph 22 of the Stipulated Protective Order in this case (New York Times Dkt. [127](#)), Plaintiffs The New York Times Company (“The Times”) and Daily News, LP, et al. (“Daily News Plaintiffs”) (collectively the “News Plaintiffs”), respectfully seek to provisionally file under seal an exhibit to their letter motion to compel. *See* Dkts. [379-15](#) (*The Times* docket) and [236-15](#) (*Daily News* docket) (sealed version). Public redacted versions of the exhibit have been filed as Dkts. [427](#) (*The Times* docket) and [264](#) (*Daily News* docket). The letter motion seeks a conference to discuss a discovery dispute—specifically, News Plaintiffs’ request to compel OpenAI to preserve output log data. The News Plaintiffs seek to file an exhibit to the motion under seal because the exhibit references a technical codename that Defendants have designated as Protected Discovery Material under the Protective Order. Dkt. 127 ¶ 22. The News Plaintiffs does not affirmatively seek to seal any material. Under the Protective Order, Defendants have five business days to file a statement of reasons for why the material should be sealed. *Id.* The News Plaintiffs will review Defendants’ filings, and if necessary, confer about any disagreement.

Dated: January 17, 2025

/s/ Ian Crosby

Ian Crosby (*pro hac vice*)
 Genevieve Vose Wallace (*pro hac vice*)
 Katherine M. Peaslee (*pro hac vice*)
 SUSMAN GODFREY L.L.P.
 401 Union Street, Suite 3000
 Seattle, WA 98101
 Telephone: (206) 516-3880
 Facsimile: (206) 516-3883
icrosby@susmangodfrey.com
gwallace@susmangodfrey.com
kpeaslee@susmangodfrey.com

Davida Brook (*pro hac vice*)
Emily K. Cronin (*pro hac vice*)
Ellie Dupler (*pro hac vice*)
SUSMAN GODFREY L.L.P.
1900 Ave of the Stars, Suite 1400
Los Angeles, CA 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
dbrook@susmangodfrey.com
ecronin@susmangodfrey.com
edupler@susmangodfrey.com

Elisha Barron (5036850)
Zachary B. Savage (ZS2668)
Tamar Lusztig (5125174)
Alexander Frawley (5564539)
Eudokia Spanos (5021381)
SUSMAN GODFREY L.L.P.
One Manhattan West
New York, NY 10001
Telephone: (212) 336-8330
Facsimile: (212) 336-8340
ebarron@susmangodfrey.com
zsavage@susmangodfrey.com
tlusztig@susmangodfrey.com
afrawley@susmangodfrey.com
espanos@susmangodfrey.com

Scarlett Collings (4985602)
SUSMAN GODFREY L.L.P.
1000 Louisiana, Suite 5100
Houston, TX 77002
Telephone: (713) 651-9366
Facsimile (713) 654-6666
scollings@susmangodfrey.com

Steven Lieberman (SL8687)
Jennifer B. Maisel (5096995)
Kristen J. Logan (*pro hac vice*)
ROTHWELL, FIGG, ERNST & MANBECK, P.C.

901 New York Avenue, N.W., Suite 900 East
Washington, DC 20001
Telephone: (202) 783-6040
Facsimile: (202) 783 6031
slieberman@rothwellfigg.com
jmaisel@rothwellfigg.com
klogan@rothwellfigg.com

Attorneys for Plaintiff
The New York Times Company

/s/ Steven Lieberman

Steven Lieberman (SL8687)
Jennifer B. Maisel (5096995)
Robert Parker (*pro hac vice*)
Jenny L. Colgate (*pro hac vice*)
Mark Rawls (*pro hac vice*)
Kristen J. Logan (*pro hac vice*)
Bryan B. Thompson (6004147)
ROTHWELL, FIGG, ERNST &
MANBECK, P.C.
901 New York Avenue, N.W., Suite 900 East
Washington, DC 20001
Telephone: (202) 783-6040
Facsimile: (202) 783-6031
slieberman@rothwellfigg.com
jmaisel@rothwellfigg.com
rparker@rothwellfigg.com
jcolgate@rothwellfigg.com
mrawls@rothwellfigg.com
klogan@rothwellfigg.com
bthompson@rothwellfigg.com

Jeffrey A. Lindenbaum (JL1971)
ROTHWELL, FIGG, ERNST &
MANBECK, P.C.
3 Manhattanville Road, Suite 105
Purchase, New York 10577
Telephone: (202) 783-6040
Facsimile: (202) 783-6031

jlindenbaum@rothwellfigg.com

*Attorneys for Plaintiffs
Daily News, LP; The Chicago Tribune Company,
LLC; Orlando Sentinel Communications
Company, LLC; Sun-Sentinel Company, LLC;
San Jose Mercury-News, LLC; DP Media
Network, LLC; ORB Publishing, LLC; and
Northwest Publications, LLC*